

UTAH AIR QUALITY BOARD MEETING
Telephone Conference Meeting
July 23, 2007

FINAL MINUTES

Telephone conference began at 2:08 p.m.

Board members present:

Nan Bunker	Stead Burwell	Jim Horrocks
Craig Petersen	Wayne Samuelson	Darrell Smith
Kathy Van Dame		

Excused: Ernest Wessman, Steve Sands, Rick Sprott

Executive Secretary: Cheryl Heying

Additional attendees: Mike Keller, VanCott Bagley; Marty Banks, PacifiCorp; Brian Burnett, Sevier Power; Fred Nelson, Attorney General's Office; David Becker, Sierra Club; Paul McConkie, Attorney General's Office; Bryce Bird, DAQ; Regg Olsen, DAQ; John Jenks, DAQ; Chris Stephens, Attorney General's Office; Melissa Yazhe, DAQ.

Setting Dates and Times for Hearing IPSC and Sevier Power Appeals.

Fred Nelson, Attorney General's Office, began by summarizing that because of a number of complicated issues, a tentative agreement was made on a way to facilitate the hearings. The parties discussed and came to a tentative agreement that the parties would file prefiled testimony for their witnesses. The Board will receive text of prefiled testimony before the hearing. The advantage is that Board members can carefully review information that is presented in prefiled testimony. The purpose of the hearings is to have cross examination of witnesses and questions from the Board. The parties will also prepare a brief to the Board that will outline their position. The purpose of the prefiled testimony and brief would be to shorten the time necessary for the Board to hear testimony. In discussion, one common issue to both proceedings is the question relating to the Integrated Gasification Combined Cycle (IGCC) technology issue. Mr. Nelson went on to state that dates needed to be scheduled for the Sevier Power Company (SPC), IGCC, and Intermountain Power Plant Service Corporation (IPSC) matters.

Mr. Nelson explained that in the past a certain amount of time was allocated to each party for presentation of evidence and cross examination. The parties would allocate their time as they think most effective and with prefiled testimony they should be able to meet time frames. When a party is presenting their own witness or when they would be doing cross examination it would count against their time. When the Board is asking questions, the clock would go off and that time would not count against either parties allotment. This means that each side will have about 3 hours per day. This tends to keep the hearing more efficient and focused on the issue.

Mr. Horrocks asked if recent articles concerning Intermountain Power Plant (IPP) would have an impact on any of the proceedings. To which Mike Keller, of VanCott Bagley, responded that concerning the IPP Unit 3 participants the immediate impact is Blaine Rawson of Holme Roberts and Owen will be

withdrawing as counsel and that VanCott Bagley will be representing Unit 3 participants and the IPSC permit. It is Mr. Keller's intention to proceed as scheduled.

The first discussion was to choose dates for hearing the SPC matter. It was decided that it would be possible to use some time on the regularly scheduled Air Quality Board meeting dates. In addition, it may be possible to do a video hookup for witnesses to take cross examination and questions. The dates of October 1st and 3rd were chosen to hear the SPC matter.

The second discussion was to choose a date for hearing the IGCC matter. In discussion, the close of expert discovery date, September 15th, was brought to attention. November 12th was set to hear the IGCC matter.

The third discussion was to choose a dates for hearing the IPSC hearing. Mr. Nelson suggested this hearing cover two days. Since this has more issues it may take longer and Mr. Nelson commented about the possibility of consolidating some of the issues. Concern was brought up in trying to condense the time too much in that there will not be opportunity to explain issues, have experts give their opinions, cross examinations, and allow the Board to hear additional claims. Mr. Nelson reminded those present of prefiled testimony and that all positive witness evidence would be in writing and given to the Board ahead of time and the need to be as efficient as possible. It is the choice of each party in what they want heard in their allotted time.

Mr. Petersen asked if there would be prefiled rebuttal testimony. To which Mr. Nelson responded that time had not been allocated for prefile rebuttal and the idea was to specifically allocate time for cross examination. Live rebuttal could be done at the hearing.

It was asked of Mr. Nelson how much time would be allotted over the two days. Mr. Nelson stated that Sierra Club would have 6 hours and IPSC and the Executive Secretary would have 6 hours combined.

After discussion the dates of November 26th and 28th and December 5th were chosen to hear the IPSC matter.

As summarized by Mr. Nelson, the proposal is to hear the SPC matter October 1st and 3rd; hear the IGCC matter November 12th; and three dates, potentially, for the IPSC hearing November 26th and 28th and December 5th.

- Darrell Smith made the motion to support those dates just listed. Wayne Samuelson seconded. Jim Horrocks then polled each Board member present. The Board approved unanimously.

Mr. Nelson then brought two issues to the Board's attention for the August 1st meeting. A request by Sierra Club to amend their request for agency action and a petition to intervene by a citizens group in Richfield on a matter with the permit of the SPC issue. Mr. Nelson explained that the second issue has to do with the recent letter the Board asked to be issued with respect to SPC concerning the 18 month extension. The Board will be deciding whether or not the citizens group has standing.

Meeting was adjourned at 2:56 p.m.